

REMARKS

Claims 1-14 are pending in the application. Claims 1-3 and 6-13 have been amended herein. Favorable reconsideration of the application, as amended, is respectfully requested.

I. ALLOWABLE SUBJECT MATTER

Applicants acknowledge with appreciation the noted allowability of claims 3-12 subject to being amended to independent form. By way of this amendment, applicants have amended claims 3, 11 and 12 to independent form. Consequently, claims 3-12 should now be in condition for allowance.¹

II. REJECTION OF CLAIMS 1-2 AND 13-14

Claims 1 and 13 stand rejected under 35 USC §102(e) based on *Ando et al.* Remaining claims 2 and 14 stand rejected under 35 USC §103(a) based on *Ando et al.* in view of *Yokota et al.* Applicants respectfully request withdrawal of the rejection for at least the following reasons.

A distinction between the present invention and the prior art is discussed in the present application at page 13, lines 18-28. In particular, according to the present invention unallocated areas specified by the unallocated area identifying information are used until all of the unallocated areas identified in a search are used. As a result, when data is deleted after a search for unallocated areas has been performed, an unallocated area found by the search is used to record data with higher precedence than an unallocated area generated by the data deletion.

Applicants have amended claims 1 and 13 to recite such features. Specifically, claims 1 and 13 have been amended to refer to how unallocated areas identified in the search for unallocated areas are allocated with higher precedence than unallocated

¹ Applicants have also amended dependent claims 6-10 to refer to steps (a), (b), (c), ..., etc., in a more continuous alphabetical order.

areas that have become unallocated areas only after the search for unallocated areas. Neither *Ando et al.* nor *Yokota et al.* teach or render obvious such features.

Applicants agree with the Examiner that *Ando et al.* teaches a method by which unallocated areas are identified in an information recording area and allocated to satisfy a record request. However, applicants have found no teaching or suggestion in *Ando et al.* relating to how unallocated areas identified in the search for unallocated areas are allocated with higher precedence than unallocated areas that have become unallocated areas only after the search for unallocated areas. For example, following the search for unallocated areas an area that was previously allocated may become unallocated (e.g., as a result of data being deleted). According to claims 1 and 13, as amended, the unallocated areas identified in the search for unallocated areas are allocated with higher precedence than the areas which subsequently became unallocated as a result of data being deleted, for example. (See, e.g., Spec., p. 13, Ins. 13-28).

Similarly, *Yokota et al.* has not been found to teach or suggest such features. *Yokota et al.* does address determining whether space is available in an information recording area. If unallocated areas exist, content can be recorded therein. Conversely, if unallocated areas do not exist then content must be deleted. Thereafter, data can be stored in the newly deleted areas of the information recording medium. (See, e.g., *Yokota et al.* [473]). In such case, however, *Yokota et al.* does not teach or suggest that unallocated areas from the initial search are allocated with higher precedence than unallocated areas identified in a subsequent search, as described in the present application at page 13, lines 18-28.

Applicants therefore submit that neither *Ando et al.* nor *Yokota et al.* teach or render obvious the preferential allocation of unallocated areas as recited in amended claims 1 and 13. Applicants respectfully request withdrawal of the rejections.

III. PTO-892 FORM

Applicants note that *Ando et al.* and *Yokota et al.*, applied in the Office Action, do not appear to have been made officially of record. Applicants respectfully request that the references be identified on a PTO-892 Form so that they may be properly identified on the cover of any resultant patent.

IV. CONCLUSION

Accordingly, all claims 1-14 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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